

Letter of Appeal

TO: Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

FROM: Rosalinda Flores
San Diego Independent School District

DATE: October 1, 2007

RE: CC Docket No. 02-6
CC Docket No. 96-45
Request for Review
Request for Waiver

FILED/ACCEPTED
JAN 18 2008
Federal Communications Commission
Office of the Secretary

CC: 02-6

San Diego Independent School District Contact Information

Name: Rosalinda Flores
Address: 609 W. Labbe St.
Phone: (361) 279-3382
Fax: (361) 279-2283
Email: rlflores@sdisd.esc2.net

Appeal Information

Funding Year: 2005
Applicant Name: San Diego Independent School District
Billed Entity Number: 141610
Form 471 Application #: 480500
FRN: 1329203

Problem Definition:

Invoices submitted to the SLD for payment from our Service Provider, Calence, LLC, have been denied as "Customer Billed Date Outside of Funding Year".

An appeal was submitted to USAC (see attached San Diego ISD Letter of Appeal to USAC) and USAC responded with the following explanation (see attached Administrator's Decision on Invoice Deadline Extension Request - Correction):

No. of Copies: 2
List ABOVE

Explanation: An Implementation Extension Letter was issued in error, dated November 2, 2006. This letter supersedes the previous letter issued in error. An invoice may be submitted for the maintenance received during the recurring services period but we cannot extend the time to deliver services by FCC Rule.

The problem is that there are invoices dated after June 30, 2006 because we chose "recurring charges" by mistake on the block 5 for Internal Connections instead of "non-recurring charges".

We are therefore requesting that the FCC allow this to be considered a "non-recurring" FRN so that the extension can be granted and the invoices can be re-submitted or if the FRN remains a "recurring" FRN, that the deadline of June 30, 2006 be waived to allow invoices to be re-submitted for payment.

We are basing our request on the following section taken from the Bishop Perry Middle School File Nos. SLD-487170, et. al.

Based on the facts and circumstances of these specific cases, we find that good cause exists to waive the minimum processing standards established by USAC. Minimum processing standards are necessary to ensure the efficient review of the thousands of applications requesting funding that USAC receives. In these circumstances, applicants committed minor errors in filling out their application forms. For example, among other problems, applicants inadvertently forgot to fill in a box, had computer problems, used an outdated form that requests primarily the same information as the current one, or misread the instructions. We do not believe that such minor mistakes warrant the complete rejection of each of these applicants' E-rate applications, especially given the requirements of the program and the thousands of applications filed each year.¹ Importantly, applicants' errors could not have resulted in an advantage for them in the processing of their application. That is, the applicants' mistakes, if not caught by USAC, could not have resulted in the applicant receiving more funding than it was entitled to. In addition, at this time, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. Furthermore, we find that the denial of funding requests inflicts undue hardship on the applicants. In these cases, we find that the applicants have demonstrated that rigid compliance with the application procedures does not further the purposes of section 254(h) or serve the public interest.² We therefore grant these appeals and remand them to USAC for further processing consistent with this Order.

Detailed Information:

When completing the Form 471 for funding year 2005, we made a mistake by completing the block 5 for Internal Connections as "recurring charges", when it should have been marked as "non-recurring charges". We planned to implement some network upgrades and these clearly should have been non-recurring. When our Item 21 attachments were reviewed, no questions were raised during the Program Integrity Assurance review regarding this and the implication was overlooked both by the SLD, our Service Provider and our District.

We received a Funding Commitment Decision Letter dated January 25, 2006, filed our Form 486 and began our project a few months later. We realized that we were not going to finish prior to June 30, 2006 and subsequently filed a Form 500 to extend our contract. We then filed a SPIN change request dated January 17, 2007 to change to Calence, LLC as our Service Provider. This was accepted and posted by the SLD and we were under the impression that Internal Connections FRNs are granted the automatic extension until September 30, 2007 and that was the contract extension date as well. Our Service Provider has continued to provide equipment and service under that same assumption.

Invoices presented to the SLD for equipment delivered and services provided between June 30, 2007 and the current date have been subsequently denied payment by the SLD (on August 2, 2007) with the following as explanation on the remittance advice:

143030052;1329203;z1824 z1859|.00|"SLD Invoice Number:790360;Line Item Detail Number:2923390;Amount Requested:749.25;Billed Date after {06/30/2006} fund yr;mnthly cost;76;Customer Billed Date Outside of Funding Year;285;"

Summary

We originally incorrectly coded our Internal Connections Form 471 application as recurring services, clearly not understanding the implications. We submitted a Form 500 to extend our contract date to September 30, 2006 and this was accepted and the new date posted by the SLD. We then filed a SPIN change that was approved. The FRN Installation Deadline and Contract End Date were showing September 30, 2007 until the appeal was filed with USAC at which time the Installation Deadline was changed to June 30, 2006. The Last Date to Invoice was changed from January 28, 2008 to December 24, 2007.

To deny our Service Provider billing based on a simple mistake on our form will be damaging to the financial position of our District.

Based on the Bishop Perry Order, we request that you allow this FRN to be corrected from a "recurring" to a "non-recurring" FRN so that an extension can be granted so that the invoices previously denied can be re-processed and paid in accordance with the rules

established for non-recurring charges. Or, if the FRN cannot be corrected to "non-recurring", we are requesting that the June 30, 2006 deadline be waived so that the invoices after June 30, 2006 can be re-submitted.

Thank you for your consideration.



Schools & Libraries Division

Administrator's Decision on Invoice Deadline Extension Request - Correction

August 24, 2007

Rosalinda Flores
San Diego Independent School District
609 W. Labbe Street
San Diego, TX 78384-3420

Re: SLD Invoice #: N/A BEAR or SPI: N/A
 Invoice Date: N/A

SLD Line(s) #: N/A
Vendor invoice #: N/A
471 Application Number: 480500
Funding Request Number(s): 1329203
Your Correspondence Dated: September 27, 2006

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your invoice deadline extension request for the invoice number indicated above. This letter explains the basis of SLD's decision. If your request included more than one invoice number, please note that for each invoice for which an invoice deadline extension request was submitted, a separate letter is being sent.

Invoice Number: N/A Line(s): N/A
Decision on Request: **Approved**

Explanation: An Implementation Extension Letter was issued in error, dated November 2, 2006. This letter supersedes the previous letter issued in error. An invoice may be submitted for the maintenance received during the recurring services period but we cannot extend the time to deliver services by FCC Rule.

Since this Administrator's Decision approved your request, an invoice requesting payment must be submitted, so that it is postmarked no later than 120 days after the date of this letter in order for your request to be considered as timely filed. If you are

resubmitting a Form 472, please remember that you should forward the form to the Service Provider as soon as possible to ensure sufficient time to process your request. The invoice should be submitted in accordance with the instructions that are posted in the SLD Forms area of the SLD web site at www.universalservice.org/sl/ or are available by contacting the SLD Client Service Bureau at 1-888-203-8100.

Thank you for your continued support of and participation in the E-rate program.
Schools and Libraries Division
Universal Service Administrative Company

cc: Cathi Whelan, Calence, LLC



SAN DIEGO INDEPENDENT SCHOOL DISTRICT
609 LABBE AVE.
SAN DIEGO, TEXAS 78384
361-279-3382 EXT. 2222
FAX 361-279-3388

LUIS A PIZZINI SUPERINTENDENT

www.sdisd.esc2.net

Letter of Appeal

To: Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

From: Rosalinda Flores
San Diego Independent School District

Date: August 22, 2007

San Diego ISD Contact Information

Name: Rosalinda Flores
Address: 609 W. Labbe St.
Phone: (361)279-3382
Fax: (361)279-2283
Email: rflores@sdisd.esc2.net

Appeal Information

Funding Year: 2005
Applicant Name: San Diego Independent School District
Billed Entity Number: 141610
Form 471 Application #: 480500
FRN: 1329203

Problem Definition:

Invoices submitted to the SLD for payment from our Service Provider, Calence, LLC, have been denied as "Customer Billed Date Outside of Funding Year".

Detailed Information:

When completing the Form 471 for funding year 2005, we made a mistake by completing the block 5 for Internal Connections as "recurring charges", when it should have been marked as non-recurring charges. We planned to implement some network upgrades and these clearly should have been non-recurring. When our Item 21 attachments were

reviewed, no questions were raised during the Program Integrity Assurance review regarding this and the implication was overlooked both by the SLD, our Service Provider and our District.

We received a Funding Commitment Decision Letter dated January 25, 2006, filed our Form 486 and began our project a few months later. We realized that we were not going to finish prior to June 30, 2006 and subsequently filed a Form 500 to extend our contract. We then filed a SPIN change request dated January 17, 2007 to change to Calence, LLC as our Service Provider. This was accepted and posted by the SLD and we were under the impression that Internal Connections FRNs are granted the automatic extension until September 30, 2007 and that was the contract extension date as well. Our Service Provider has continued to provide equipment and service under that same assumption.

Invoices presented to the SLD for equipment delivered and services provided between June 30, 2007 and the current date have been subsequently denied payment by the SLD (on August 2, 2007) with the following as explanation on the remittance advice:

143030052|1329203|z1824 z1859|.00|"SLD Invoice Number:790360;Line Item Detail Number:2923390;Amount Requested:749.25;Billed Date after [06/30/2006] fund yr;mntly cost;76;Customer Billed Date Outside of Funding Year;285;"

Summary

We originally incorrectly coded our Internal Connections Form 471 application as recurring services, clearly not understanding the implications. We submitted a Form 500 to extend our contract date to September 30, 2006 and this was accepted and the new date posted by the SLD. We then filed a SPIN change that was approved. The FRN Installation Deadline and Contract End Date now show September 30, 2007. To deny our Service Provider billing will be damaging to the financial position of our District. The Last Date to Invoice is posted as January 28, 2008.

We request that you allow the invoices previously denied to be re-processed and paid in accordance with the published date and procedures that relate to billing time frames.

Thank you for your consideration,



SAN DIEGO INDEPENDENT SCHOOL DISTRICT
609 LABBE AVE.
SAN DIEGO, TEXAS 78384
361-279-3382 EXT. 2222
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To: Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

From: Rosalinda Flores
San Diego Independent School District

Date: August 22, 2007

San Diego ISD Contact Information

Name: Rosalinda Flores
Address: 609 W. Labbe St.
Phone: (361)279-3382
Fax: (361)279-2283
Email: rdlflores@sdisd.esc2.net

Appeal Information

Funding Year: 2005
Applicant Name: San Diego Independent School District
Billed Entity Number: 141610
Form 471 Application #: 480500
FRN: 1630492

Problem Definition:

Invoices submitted to the SLD for payment from our Service Provider, Calence, I.L.C., have been denied as "Customer Billed Date Outside of Funding Year".

Detailed Information:

When completing the Form 471 for funding year 2005, we made a mistake by completing the block 5 for Internal Connections as "recurring charges", when it should have been

marked as non-recurring charges. We planned to implement some network upgrades and these clearly should have been non-recurring. When our Item 21 attachments were reviewed, no questions were raised during the Program Integrity Assurance review regarding this and the implication was overlooked both by the SLD, our Service Provider and our District.

We received a Funding Commitment Decision Letter dated January 25, 2006, filed our Form 486 and began our project a few months later. We realized that we were not going to finish prior to June 30, 2006 and subsequently filed a Form 500 to extend our contract. We then filed a split FRN SPIN change request dated January 17, 2007 to change what was remaining of the original project to Calence, LLC as our Service Provider. This was accepted and posted by the SLD and we were under the impression that Internal Connections FRNs are granted the automatic extension until September 30, 2007. Our Service Provider has continued to provide equipment and service under that same assumption.

Invoices presented to the SLD for equipment delivered and services provided between June 30, 2007 and the current date have been subsequently denied payment by the SLD (on August 13, 2007) with the following as explanation on the remittance advice:

143030052|1630492|0802813|.00|"SLD Invoice Number:795690;Line Item Detail Number:2940712;Amount Requested:7110.00;Billed Date after [06/30/2006] fund yr;mnthly cost;76;Customer Billed Date Outside of Funding Year;285;"

Summary

We originally incorrectly coded our Internal Connections Form 471 application as recurring services, clearly not understanding the implications. We filed a split FRN SPIN change that was approved. To deny our Service Provider billing will be damaging to the financial position of our District. The Last Date to Invoice is posted as January 28, 2008.

We request that you allow the invoices previously denied to be re-processed and paid in accordance with the published date and procedures that relate to billing time frames.

Thank you for your consideration,